

REMARKS

In the Final Office Action¹, the Examiner rejected claims 1-5 under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement; and rejected claims 1-5 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,714,797 to Rautila ("*Rautila*") in view of U.S. Patent No. 4,300,040 to Gould et al. ("*Gould*") and alternatively, as unpatentable over *Rautila* in view of U.S. Patent No. 5,918,213 to Bernard et al. ("*Bernard*").

By this Amendment, Applicant cancels claims 1-5 and presents new claims 6-13. The rejections of claims 1-5 are therefore rendered moot.

New claim 6 recites a method for providing electronic content to a customer using a remote user terminal and a store information terminal, the method comprising, among other things, the steps of:

retrieving the selected electronic content item via a first communication channel;

obtaining an identification code for individually identifying the retrieved electronic content item;

inputting the identification code at the store information terminal; and

enabling the customer to purchase, via a second communication channel, the second communication channel being different from the first communication channel, the retrieved electronic content item corresponding to the identification code.

Rautila discloses a method in which digital products may be ordered and downloaded using an Internet capable cellular phone (col. 1, lines 9-12). The method

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

disclosed by *Rautila* includes accessing an electronic shop server and ordering a digital product from the electronic shop server using a mobile device, which has cellular phone capability. The method then identifies a hotspot network location where the digital product may be downloaded into the mobile device using a short range transceiver embedded in the mobile phone (col. 2, lines 56-64). *Rautila* thus provides a user with the option of downloading the digital product via the cellular phone capability or at a hotspot network location (col. 6, lines 25-30). If the user desires to download the digital product at the hotspot network location, the mobile device then receives the downloaded product, via the short range transceiver embedded in the mobile device (col. 6, lines 46-64).

However, claim 6 recites the steps of: retrieving the selected electronic content item via a first communication channel and enabling the customer to purchase the retrieved electronic content item via a second communication channel. Furthermore, the second communication channel recited in claim 6 is different from the first communication channel. Thus, because *Rautila* discloses a single communication channel, connecting the mobile device with the electronic shop server site or the hotspot network location for downloading the content (Abstract), *Rautila* fails to disclose or suggest two different communication channels.

According to the Examiner, *Rautila* discloses, at col. 6, lines 35-40 and col. 8, lines 31-37, acquiring an identification code for individually identifying electronic content (Final Office Action at p. 4). Applicant respectfully disagrees.

Rautila, at col. 6, lines 35-40, discloses that, whether a user decides to have an electronic product downloaded at a hotspot network location or via the cellular phone

capability of the mobile station, a unique order number is transmitted to the mobile station by the electronic shop server. At col. 8, lines 31-37, *Rautila* also discloses that whether the user selects to download the digital product at a hotspot network location or via cellular transmission, the user then receives a unique order number. According to *Rautila*, the operation processing of the order/location module then terminates.

However, the unique order number in *Rautila*, at col. 9, lines 60-61, explicitly corresponds to the mobile device which receives the downloaded content, the ordered digital product, and the identified hotspot network location. For this additional reason, *Rautila* fails to disclose or suggest a method for providing electronic content, as recited in new claim 6.

Gould also fails to disclose the claimed method. According to the Examiner, *Gould* discloses that after inputting code representing selected content, the user can view a preview of the selected content prior to purchasing the selected content (Final Office Action at p. 4). The numerical code in *Gould*, at col. 2, lines 33-35, represents selected videocassette program material in a previewing station.

Because the numerical code in *Gould* is entered by a customer at a terminal previewing station, *Gould* also fails to disclose acquiring an identification code for individually identifying electronic content.

Bernard also fails to disclose the claimed method for providing electronic content. According to the Examiner, *Bernard* discloses, at col. 3, lines 8-41, product samples, such as movie previews, sample cuts from music tracks, software demo, and the like, provided to the customer so the customer can evaluate the product prior to purchasing (Final Office Action at pp. 5-6). While *Bernard* may disclose allowing users to shop for

and purchase products via a remote communication medium, *Bernard* fails to disclose the claimed step of obtaining an identification code for individually identifying electronic content.

Rautila, Gould, and Bernard, even if combined as argued by the Examiner, thus do not disclose or suggest each and every element of the method for providing electronic content, as recited in new claim 6.

New independent claim 10, although of different scope than claim 6, distinguishes *Rautila, Gould, and Bernard* for at least the same reasons as claim 6. Claims 7-9 and 11-13 depend from one of the independent claims and are therefore allowable for at least the same reasons as independent claims 6 and 10. In addition, each of the dependent claims may recite unique combinations that are neither taught nor suggested by prior art.

In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 26, 2007

By: 

Michael R. Kelly
Reg. No. 33,921